

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD K. WRIGHT,
Plaintiff,

v.

WARDEN,
Defendant.

Case No. [21-cv-08972-VC](#)

**ORDER DENYING PETITION FOR A
WRIT OF HABEAS CORPUS**

Re: Dkt. No. 1

Given what defense counsel knew at the time of trial, what Ong said to the defense investigator who contacted her during trial, and Wright's trial testimony about his sexual interactions with the victim, counsel's decision not to conduct further investigation or call Ong as a witness did not constitute deficient performance. The Court would likely reach this conclusion on direct review, so on deferential habeas review there is no basis for concluding that the decision by the California Court of Appeal with respect to defense counsel's performance fell outside the range of reasonableness. *See Harrington v. Richter*, 562 U.S. 86, 101 (2011)..

A certificate of appealability will not issue. *See* 28 U.S.C. § 2253(c). This is not a case in which "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Clerk shall enter judgment in favor of the respondent and close the case.

IT IS SO ORDERED.

Dated: July 7, 2022



VINCE CHHABRIA
United States District Judge